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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 112025-0476

First Inventor Stephen C. Hilla et al.

Title A TECHNIQUE FOR PROCESS LOAD BALANCING IN A  
MULTI-PROCESSOR ENVIRONMENT

Express Mail Label No. EL736447823US

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C.113) [Total Sheets 3]  
5. Oath or Declaration [Total Pages 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner \_\_\_\_\_

of prior application No: \_\_\_\_\_ /

Group / Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert C)



(Insert here)

or ☐ Correspondence address below

Name	Charles J. Barbas					
PATENT TRADEMARK OFFICE						
Address	Cesari and McKenna					
	88 Black Falcon Avenue					
City	Boston	State	MA	Zip Code	02210	
Country	U. S. A.	Telephone	(617) 951-2500	Fax	(617) 951-3927	

Name (Print/Type)	Charles J. Barbas	Registration No. (Attorney/Agent)	32,959
Signature		Date	July 10, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ ) 830

## Complete If Known

Application Number	Not yet assigned
Filing Date	July 10, 2001
First Named Inventor	Stephen C. Hilla et al.
Examiner Name	Not yet assigned
Group / Art Unit	Not yet assigned
Attorney Docket No.	112025-0476

### METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 03-1237

Deposit Account Name Cesari and McKenna, LLP

- ☒ Charge Any Additional Fee Required Under 37 C.F.R. §§1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 C.F.R. §§1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed:  
☒ Check ☐ Money ☐ Other Order

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Code	Small Entity Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
101	710 201	35		Utility filing fee	710
106	320 206	160		Design filing fee	
107	490 207	245		Plant filing fee	
108	710 208	355		Reissue filing fee	
114	150 214	75		Provisional filing fee	
SUBTOTAL (1) (\$)					710

#### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
17	4		20**	0	0
			3**	1	80
					0

\*\*or number previously paid, if greater; For Reissues, see below

#### Large Entity Small Entity

Large Entity Code	Small Entity Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
103	18 203	9		Claims in excess of 20	
102	80 202	40		Independent claims in excess of 3	
104	270 204	135		Multiple dependent claim, if not paid	
109	80 209	40		**Reissue independent claims over original patent	
110	18 210	9		**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					80

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Code	Small Entity Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
105	130 205	65		Fee Surcharge - late filing fee or oath	
127	50 227	25		Surcharge - late provisional filing fee or cover sheet	
139	130 139	130		Non-English Specification	
147	2,520 147	2,520		For filing a request for reexamination	
112	920 112	920*		Requesting publication of SIR prior to Examiner action	
113	1,840 113	1,840*		Requesting publication of SIR after Examiner action	
115	110 215	55		Extension for reply within first month	
116	390 216	195		Extension for reply within second month	
117	890 217	445		Extension for reply within third month	
118	1,390 218	695		Extension for reply within fourth month	
128	1,890 128	945		Extension for reply within fifth month	
119	310 219	155		Notice of Appeal	
120	310 220	155		Filing a brief in support of an appeal	
121	270 221	135		Request for oral hearing	
138	1,510 138	1,510		Petition to institute a public use proceeding	
140	110 240	55		Petition to revive - unavoidable	
141	1,240 241	620		Petition to revive - unintentional	
142	1,240 242	620		Utility Issue fee (or reissue)	
143	440 243	220		Design Issue fee	
144	600 244	300		Plant Issue fee	
122	130 122	130		Petitions to the Commissioner	
123	50 123	50		Petitions related to provisional applications	
126	240 126	240		Submission of Information Disclosure Stmt	
581	40 581	40		Recording each patent assignment per property (times number of properties)	40
146	710 246	355		Filing a submission after final rejection (37 CFR 1.129(a))	
149	710 249	355		For each additional invention to be examined (37 CFR 1.129(b))	
Other (specify)					
Other fee (specify)					
SUBTOTAL (3) (\$)					40

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY

Typed or Printed Name

Charles J. Barbas

Signature

*Charles J. Barbas*

Date

July 10, 2001

### Complete (if applicable)

Reg. Number

32,959

Deposit Account User ID

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of: )  
Stephen C. Hilla et al. )  
Serial No.: Not yet assigned ) Examiner: Not yet assigned  
Filed: July 10, 2001 ) Art Unit: Not yet assigned  
For: A TECHNIQUE FOR PROCESS )  
LOAD BALANCING IN A MULTI- )  
PROCESSOR ENVIRONMENT )  
Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
July 10, 2001

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EL736447823US

The following papers are being deposited with the United States Postal Service  
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

X Patent Application ( 17 pages including 17 claims )  
X Declaration for Patnet Application X Fee Transmittal Letter  
X Utility Patent Application Transmittal X Assignment With Recordation Form  
Letter Cover Sheet  
X Formal Drawing ( 3 sheets ) X Check in the amount of \$830.00  
X PTO/SB/35

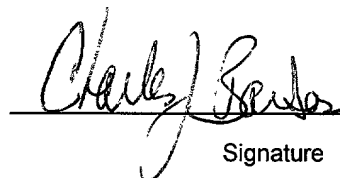
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Stephen C. Hilla et al.
Title	A TECHNIQUE FOR PROCESS LOAD BALANCING IN A MULTI-PROCESSOR ENVIRONMENT
Atty Docket Number	112025-0476

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 10, 2001

Date

  
Signature

Charles J. Barbas, 32,959

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement. This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FORM 201-02420660